
HOUSE CONCURRENT RESOLUTION

REQUESTING THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
TO CONVENE A TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS
REGARDING EXISTING PROCEDURES OF THE HAWAII PAROLING
AUTHORITY SETTING THE MINIMUM TERMS OF IMPRISONMENT.

1 WHEREAS, Hawaii is one of thirty-three states that
2 primarily utilizes an indeterminate sentencing system where
3 courts can order a maximum and minimum term, or both, and then
4 actual time served is determined by a parole board; and
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6 WHEREAS, under existing law, the Hawaii Paroling Authority
7 retains the authority to set the minimum term of imprisonment a
8 prisoner must serve before being eligible for parole; and
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10 WHEREAS, this creates a two-step process in which the
11 presiding judge determines the maximum term for a defendant
12 convicted after reviewing the victims' statements, pre-
13 sentencing reports, criminal history, and other factors; and
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15 WHEREAS, the Hawaii Paroling Authority then holds another
16 hearing to determine the minimum term before a defendant is
17 eligible for parole; and
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19 WHEREAS, this two-step process is redundant and time
20 consuming for the Hawaii Paroling Authority who spends
21 approximately thirty percent of its time on the post-conviction
22 minimum sentencing process; and
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24 WHEREAS, of the thirty-three states using an indeterminate
25 sentencing system, Hawaii is the only state that requires a
26 parole board to determine the minimum sentence of imprisonment;
27 now, therefore,
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1 BE IT RESOLVED by the House of Representatives of the
2 Thirty-second Legislature of the State of Hawaii, Regular
3 Session of 2023, the Senate concurring, that the Hawaii
4 Correctional System Oversight Commission is requested to convene
5 a task force to examine and make recommendations regarding
6 existing procedures of the Hawaii Paroling Authority setting the
7 minimum terms of imprisonment to increase efficiency of the
8 procedures; and
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10 BE IT FURTHER RESOLVED that the task force is requested to
11 study whether parole system models utilized by other states
12 might be suited for Hawaii; and
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14 BE IT FURTHER RESOLVED that the task force is requested to
15 examine and compare the minimum sentences issued by the Hawaii
16 Paroling Authority and the courts to determine whether there are
17 significant differences; and
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19 BE IT FURTHER RESOLVED that the task force is requested to
20 recommend whether the administration of justice may be better
21 served by removing the responsibility of setting minimum
22 sentences from the Hawaii Paroling Authority, thereby enabling
23 it to focus on determining and assisting prisoners' fitness for
24 parole and supervision of parolees; and
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26 BE IT FURTHER RESOLVED that the task force is requested to
27 be comprised of the following members:
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- 29 (1) The Chair of the Hawaii Correctional System Oversight
30 Commission, who shall serve as the chairperson of the
31 task force;
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- 33 (2) The Chief Justice of the Hawaii Supreme Court or the
34 Chief Justice's designee;
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- 36 (3) The Attorney General or the Attorney General's
37 designee;
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- 39 (4) The Director of Health or the Director's designee;
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- 41 (5) The Director of Public Safety or the Director's
42 Designee;
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- 1 (6) The Chairperson of the Board of Trustees of the Office
2 of Hawaiian Affairs;
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4 (7) The Chair of the Hawaii Paroling Authority or the
5 Chair's designee;
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7 (8) The Public Defender or the Public Defender's designee;
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9 (9) One member of the House of Representatives, as
10 appointed by the Speaker of the House of
11 Representatives;
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13 (10) One member of the Senate, as appointed by the
14 President of the Senate;
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16 (11) The Prosecuting Attorney, or the Prosecuting
17 Attorney's designee, of each county;
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19 (12) A representative of the Crime Victim Compensation
20 Commission; and
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22 (13) Four representatives appointed by the Hawaii
23 Association of Criminal Defense Lawyers, including one
24 representative from each county; and
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26 (14) One member of the public who has knowledge and
27 expertise with the criminal justice system appointed
28 by the Director of Public Safety; and
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30 BE IT FURTHER RESOLVED that the Judiciary and Department of
31 Public Safety are requested to provide administrative support to
32 the task force; and that the task force receive assistance from
33 the Hawaii Criminal Justice Data Center and the Criminal Justice
34 Research Institute;
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36 BE IT FURTHER RESOLVED that the task force, with the
37 assistance of the Legislative Reference Bureau, is requested to
38 submit a report of its findings and recommendations, including
39 any proposed legislation, to the Legislature no later than
40 October 21, 2024; and
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42 BE IT FURTHER RESOLVED that certified copies of this
43 Concurrent Resolution be transmitted to the Chief Justice of the
44 Hawaii Supreme Court, Attorney General, Director of Public



1 Safety, Director of Health, Chairperson of the Board of Trustees
2 of the Office of Hawaiian Affairs, Chair of the Hawaii Paroling
3 Authority, Oversight Coordinator of the Hawaii Correctional
4 System Oversight Commission, Public Defender of the State of
5 Hawaii, Prosecuting Attorney of each county; and President of
6 the Hawaii Association of Criminal Defense Lawyers.

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